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E-filed 8/31/06

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 06-00095 JF
)	
Plaintiff,)	
)	
v.)	STIPULATION AND [PROPOSED]
)	ORDER TO CONTINUE STATUS DATE
FRANCISCO JAVIER ALCAZAR,)	
)	
Defendant.)	
_____)	

Assistant United States Attorney Richard C. Cheng and defendant, Francisco Alcazar, through his counsel, Assistant Federal Public Defender Angela M. Hansen, stipulate and agree that the status date in the above-captioned matter, presently scheduled for Wednesday, August 23, 2006, should be continued to September 27, 2006, at 9:00 a.m.

The parties stipulate and agree that this status date should be continued because counsel for the government has agreed to provide additional discovery to the defense. Once received, counsel will need time to review the discovery, discuss it with her client and to investigate this case. Additionally, Mr. Alcazar was recently released from custody and his counsel needs time to have him come to the office to review several audio recordings and a video recording that were produced to the defense in discovery. Because the audio recordings are primarily in Spanish, counsel needs additional time to work with Mr. Alcazar concerning these tapes. Finally, counsel for the government has changed and needs additional time to review the case file

1 so that the parties can discuss possible plea negotiations. For all of these reasons, the parties
2 stipulate and agree to continue the status date to September 27, 2006.

3 The parties further stipulate and agree that under 18 U.S.C §§ 3161(h)(8)(A) and (B)(iv),
4 the ends of justice served by the continuance requested outweigh the best interest of the
5 defendant and public in a speedy trial because the failure to grant such a continuance would
6 unreasonably deny Mr. Alcazar the time necessary for effective preparation, taking into account
7 the exercise of due diligence.

8
9 Dated: August 17, 2006

_____/s/_____
ANGELA M. HANSEN
Assistant Federal Public Defender

10
11
12 Dated: August 17, 2006

_____/s/_____
RICHARD C. CHENG
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 06-00095 JF
)	
Plaintiff,)	[PROPOSED] ORDER CONTINUING
)	STATUS DATE AND EXCLUDING
v.)	TIME
)	
FRANCISCO JAVIER ALCAZAR,)	
)	
Defendant.)	
_____)	

The parties have jointly requested to continue the status date set for August 23, 2006 to September 27, 2006 at 9:00 a.m., GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status date presently set for August 23, 2006 is continued to September 27, 2006, at 9:00 a.m. Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from August 23, 2006 through and including September 27, 2006, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C §§ 3161(h)(8)(A) and (B)(iv).

8/31/06
Dated: ~~February~~, 2006


JEREMY FOGEL
United States District Judge

1 Distribute to:

2 Angela Hansen
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5 Richard C. Cheng
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